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Craig Ogawa

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EXAMINER

NGUYEN, ANH NGOC M

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2416

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,930	Applicant(s) OGAWA ET AL.	
	Examiner Anh Ngoc Nguyen	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/23/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicants' Arguments/Remarks dated 09/26/2008 with respect to claims 1 – 22 have been fully considered but are moot in view of the new ground(s) of rejection.

Claims 1, 6, 9, 14, and 19 have been amended. Claims 1 – 22 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/2008 has been entered.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 recites the limitation "the bridge" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6, 9, 10, 13, 14, 16, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260).

Tsukakoshi discloses network system comprising a plurality of LANs using hierarchical routing comprising the following features:

Regarding claim 1, Tsukakoshi discloses a bridge apparatus (see Fig. 4, col. 4 lines 40 – 50 and col. 5 lines 15 - 18, bridge) for a system comprising: a system controller (see Fig. 4, micro-processor 8); a first network controller (see Fig. 4, transmitting and receiving circuit 7A) operatively associated with the system controller (see Fig. 4, micro-processor 8), the first network controller connecting the bridge to a local area network (see Fig. 4 and col. 4 lines 40 - 50, transmitting and receiving circuit 7A couples to main LAN 5); a second network controller (see Fig. 4, transmitting and receiving circuit 7B) operatively associated with the system controller (see Fig. 4, micro processor 8), the second network controller connecting the bridge to a subnetwork (see Fig. 4 and col. 4 lines 40 - 50, transmitting and receiving circuit 7B couples to sub-LAN); and a processor-executed program code provided in computer-readable storage (see Fig. 4, buffer memory 9 for storing information, i.e. code) operatively associated with the system controller (see Fig. 4, micro processor 8), the processor- executed program code including:

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program code for receiving configuration information via the local area network (see col. 6 lines 43 – 67 and col. 7 lines 1 – 35, passing the messages through the LAN).

Regarding claim 3, Tsukakoshi discloses wherein the processor- executing program code further includes program code for receiving updated configuration information via the local area network for the automation device in the subnetwork (see Fig. 1, 2, col. 6 lines 43 – 50 and col. 7 lines 20 - 25, each of the bridges updates control information in Step 146, one of the control information stored in each of the bridges being the root ID smallest in the received Hello message).

Regarding claim 9, Tsukakoshi discloses a system comprising: a local area network (see Fig. 1, more than one LANs are shown); a subnetwork for connecting at least one automation device (see Fig. 1 and col. 4 lines 14 – 24, a plurality of terminal devices 4 are connected with each of the subLANs); a first bridge connecting the subnetwork to the local area network (see Fig. 1 and col. 4 lines 14 - 24, bridges 6A, 6B, 6C couple the subLANs to LAN); a second bridge connecting the subnetwork to the local area network, wherein at least one of the bridges connects the subnetwork to the local area network even if the other bridge is offline (see Fig. 3, for example: bridges 3BC and 3EF are backup bridges for the designated bridges), such that every device in the building automation system always remains connected to the local area network even if one of the bridges is offline or it there is a fault in the subnetwork (see col. 4 lines 30 – 40 and col. 6 lines 1 – 20, designated bridges (3AD, 3BE, 3BF) which effect relay operation of a frame, and backup bridges (3BC, 3EF) indicated by X marks in Fig. 3 which don't effect relay operation of a frame).

Regarding claim 10, Tsukakoshi discloses wherein at least one of the bridges is

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communicatively coupled to at least one automation device even if the subnetwork includes a break (see Fig. 3, for example: bridges 3BC and 3EF are backup bridges for the designated bridges).

Regarding claim 13, Tsukakoshi discloses further comprising a plurality of subnetworks connected to the local area network by a plurality of bridges (see Fig. 1, bridges 6A to 6C, 3AD to 3EF couple subLANs to LAN).

Regarding claim 14, Tsukakoshi discloses a method comprising: connecting a first bridge to a local area network (see Fig. 1, bridges 6A to 6C couple to main LAN 5); connecting the first bridge to a subnetwork of devices (see Fig. 1 and col. 4 lines 14 – 24, bridges 6A to 6C couple to subLANs 2A to 2C where terminal devices 4 are coupled to the subLANs); connecting a second bridge to a local area network (see Fig. 1, bridges 6A to 6C couple to main LAN 5); connecting the second bridge to the same subnetwork of devices (see Fig. 1 and col. 4 lines 14 – 24, bridges 6A to 6C couple to subLANs 2A to 2C where terminal devices 4 are coupled to the subLANs); receiving configuration information for a building automation device at the bridge or bridges via the local area network (see col. 6 lines 43 – 67 and col. 7 lines 1 – 35, passing the messages through the LAN).

Regarding claim 22, Tsukakoshi discloses further comprising automatic rerouting of subnetwork traffic if a subnetwork fails (see Fig. 3, for example: bridges 3BC and 3EF are backup bridges for the designated bridges in case of failure to the designated bridges).

Tsukakoshi discloses the claimed limitations as stated above. Bodmer discloses home and automation system:

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Regarding claim 1, the combination of Tsukakoshi and Bodmer disclose a building automation system (see Bodmer, abstract and col. 2 lines 40 - 60, process and system for programmed control of a home and building automation system) comprising: program code (see col. 2 lines 65 - 67 and col. 3 lines 1 - 4, software stored in a CPU or processor) for configuring a building automation device connected to the subnetwork (see Tsukakoshi, Fig. 1, col. 3 lines 1 - 8 and col. 4 lines 14 - 24, subLANs 2A to 2F couple to terminal devices 4 where these devices 4 could be replaced with the devices of Bodmer, see Bodmer: Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...) based on the configuration information, wherein the configuration information is one or more of program code, scripts, and data files, all for configuring a building automation device (see Tsukakoshi; col. 6 lines 40 - 50 and col. 7 lines 1 - 25, control information such as root ID, the root path cost, the backup flag; see Bodmer, col. 2 lines 48 - 54, col. 3 lines 40 - 45, and col. 4 lines 1 - 30, adaptive self-learning algorithms of the software, probability/predictive algorithms...), and wherein the building automation device is a device that performs a building - related automation function within the building automation system (see Bodmer, Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...).

Regarding claim 6, the combination of Tsukakoshi and Bodmer disclose wherein the processor- executing program code further includes program code for operating automation devices (see Tsukakoshi, Fig. 1 and col. 4 lines 14 - 24, a plurality of terminal devices 4 where these devices 4 could be replaced with the devices of Bodmer, see Bodmer: Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...) in a mode that provides for the building to appear lived-in even when the user is not present (see

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Bodmer, examples 1 - 3, col. 5 lines 65 - 67 and col. 6 lines 1 - 62, shifts the provision of hot water in the morning hours without any intervention of the user being necessary).

Regarding claim 9, the combination of Tsukakoshi and Bodmer disclose a building automation system (see Bodmer, abstract and col. 2 lines 40 - 60, process and system for programmed control of a home and building automation system) and automation devices (see Tsukakoshi, Fig. 1 and col. 4 lines 14 - 24, a plurality of terminal devices 4 where these devices 4 could be replaced with the devices of Bodmer, see Bodmer: Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...).

Regarding claim 14, the combination of Tsukakoshi and Bodmer disclose building automation devices (see Tsukakoshi, Fig. 1 and col. 4 lines 14 - 24, a plurality of terminal devices 4 where these devices 4 could be replaced with the devices of Bodmer, see Bodmer: Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...), configuring the building automation device in the subnetwork (see Tsukakoshi, Fig. 1, col. 3 lines 1 - 8 and col. 4 lines 14 - 24, subLANs 2A to 2F couple to terminal devices 4 where these devices 4 could be replaced with the devices of Bodmer, see Bodmer: Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...) based on the configuration information received at the bridge or bridges (see Tsukakoshi, Fig. 1, col. 4 lines 14 - 55 and col. 7 lines 1 - 25, control information, i.e. messages are sent through bridges), wherein the configuration information is one or more of program code, scripts, and data files, all for configuring a building automation device (see Tsukakoshi; col. 6 lines 40 - 50 and col. 7 lines 1 - 25, control information such as root ID, the root path cost, the backup flag; see Bodmer, col. 2 lines 48 - 54, col. 3 lines 40 - 45, and col. 4 lines 1 - 30, adaptive self-learning algorithms

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of the software, probability/predictive algorithms...), and wherein the building automation device is a device that performs a building related automation function within the building automation system (see Bodmer, Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...).

Regarding claim 16, the combination of Tsukakoshi and Bodmer disclose further comprising receiving updated configuration information via the local area network for the building automation device (see Tsukakoshi, Fig. 1 and col. 4 lines 14 - 24, a plurality of terminal devices 4 where these devices 4 could be replaced with the devices of Bodmer, see Bodmer: Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...) in the subnetwork (see Bodmer, Fig. 1, col. 4 lines 14 - 50, col. 6 lines 43 - 50, col. 7 lines 1 - 25, control information is updated).

Regarding claim 19, combination of Tsukakoshi and Bodmer disclose further comprising operating building automation devices (see Tsukakoshi, Fig. 1 and col. 4 lines 14 - 24, a plurality of terminal devices 4 where these devices 4 could be replaced with the devices of Bodmer, see Bodmer: Fig. 2 and col. 3 lines 15 - 21, movement sensor 40, heating unit 24, smoke sensors, light detectors, etc...) in a mode that provides for the building to appear lived-in even when the user is not present (see Bodmer, examples 1 - 3, col. 5 lines 65 - 67 and col. 6 lines 1 - 62, shifts the provision of hot water in the morning hours without any intervention of the user being necessary).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi, and have the features, as taught by Bodmer, thus providing for a home and building automation system that allows for considerable energy saving,

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improves comfort and increases the safety of the user, as discussed by Bodmer (see col. 4 lines 50 - 67).

3. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Razzaghe-Ashrafi (US 6,330,715).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 2, wherein the processor executing program code further includes program code for assigning a dynamic address to the automation device in the subnetwork; regarding claim 15, further comprising assigning a dynamic address to the building automation device in the subnetwork.

Razzaghe-Ashrafi discloses method and apparatus for managing software in a network system comprising the following features:

Regarding claim 2, Razzaghe-Ashrafi discloses wherein the processor executing program code further includes program code for assigning a dynamic address to the automation device in the subnetwork (see col. 5 lines 43 – 55, dynamically allocating an IP addresses when a NS device makes a DHCP request).

Regarding claim 15, Razzaghe-Ashrafi discloses further comprising assigning a dynamic address to the building automation device in the subnetwork (see col. 5 lines 43 – 55, dynamically allocating an IP addresses when a NS device makes a DHCP request).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by

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Razzaghe-Ashrafi discloses, thus providing for an improved software management on NS devices, as discussed by Razzaghe-Ashrafi discloses (see col. 2 lines 55 - 60).

4. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Focsaneanu et al (5,828,666).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 4, wherein the processor- executing program code further includes program code for maintaining a map of automation devices in the subnetwork; regarding claim 17, further comprising maintaining a map of building automation devices in the subnetwork.

Focsaneanu discloses access to telecommunications networks in multi service environment comprising the following features:

Regarding claim 4, Focsaneanu discloses wherein the processor- executing program code further includes program code for maintaining a map of automation devices in the subnetwork (see col. 14 lines 18 – 25, the access module maintains the point of presence or map among CPE devices, service providers, and network resources).

Regarding claim 17, Focsaneanu discloses further comprising maintaining a map of building automation devices in the subnetwork (see col. 14 lines 18 – 25, the access module maintains the point of presence or map among CPE devices, service providers, and network resources).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by

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Focsaneanu, thus providing for a flexible access system to utilize any transport network resource on a service by service basis, as discussed by Focsaneanu (see col. 4 lines 25 - 30).

5. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Kuechler et al (4,811,199).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 5, wherein the processor- executing program code further includes program code for automatically updating the map if an automation device is added to the subnetwork; regarding claim 18, further comprising automatically updating a map of building automation devices in the subnetwork if a building automation device is added to the subnetwork.

Kuechler discloses system for storing and manipulating information in an information base comprising the following features:

Regarding claim 5, Kuechler discloses wherein the processor- executing program code further includes program code for automatically updating the map if an automation device is added to the subnetwork (see col. 11 lines 48 – 60, since 100 elements have been added...the elements of the topological map to be updated will all be located in the same physical block).

Regarding claim 18, Kuechler discloses further comprising automatically updating a map of building automation devices in the subnetwork if a building automation device is added to the subnetwork (see col. 11 lines 48 – 60, since 100 elements have been added...the elements of the topological map to be updated will all be located in the same physical block).

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It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by Kuechler, thus to simplify data relational operations into straightforward manipulations which can easily be handled by a digital computer, as discussed by Kuechler (see col. 21 lines 33 - 38).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Craig et al (US 6,266,809).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 7, wherein the processor- executing program code further includes program code for updating firmware at the device in the subnetwork.

Craig discloses methods, systems and computer program products for secure firmware updates comprising the following features:

Regarding claim 7, Craig discloses wherein the processor- executing program code further includes program code for updating firmware at the device in the subnetwork (see abstract, col. 2 lines 40 – 67, col. 3 lines 14 - 24 and col. 4 lines 19 - 31, update the firmware of a device attached to the network computer).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by Craig, thus updating the firmware of a network computer without the need for a floppy drive or other portable storage media, as discussed by Craig (see col. 3 lines 25 - 30).

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7. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Layton et al (US 6,829,478).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 8, wherein the processor- executing program code further includes program code for resetting a device in the subnetwork; regarding claim 20, further comprising resetting a building automation device in the subnetwork.

Layton discloses information management network for automated delivery alarm notifications and other information comprising the following features:

Regarding claim 8, Layton discloses wherein the processor- executing program code further includes program code for resetting a device in the subnetwork (see col. 10 lines 40 – 50, remote activation or resetting of the alarm and other devices in the home for security and home automation purposes).

Regarding claim 20, Layton discloses further comprising resetting a building automation device in the subnetwork (see col. 10 lines 40 – 50, remote activation or resetting of the alarm and other devices in the home for security and home automation purposes).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by Layton, thus provides to users and central station monitoring facilities an efficient and affordable event notification solution in which the call flow configuration of the invention is designed to

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enhance the safety and convenience of the customer, as discussed by Layton (see col. 3 lines 33 - 40).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Bird (US 6,728,268).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 11, wherein the subnetwork is a CAN bus.

Bird discloses method and system to connect internet protocol hosts via an application specific bus comprising the following features:

Regarding claim 11, Bird discloses wherein the subnetwork is a CAN bus (see col. 3 lines 29 – 34, connect IP hosts to an application specific control bus such as the Controller Area Network (CAN)).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by Bird, thus providing for a method and apparatus to transmit IP datagrams without interfering with the interaction of standard CAN devices, as discussed by Bird (see col. 2 lines 43 - 50).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Bennett et al (5,666,359).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 12, wherein the local area network is an Ethernet network.

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Bennett discloses method and apparatus for displaying port information comprising the following features:

Regarding claim 12, Bennett discloses wherein the local area network is an Ethernet network (see col. 2 lines 40 - 45, network 10 can operate as an Ethernet local area network (LAN)).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by Bennett, thus providing for a repeater that can both service data devices that operate using different communications protocols and effectively display port information, as discussed by Bennett (see col. 1 lines 45 - 50).

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukakoshi et al (5,018,133) in view of Bodmer et al (US 6,263,260) and further in view of Gurer et al (US 7,120,819).

Tsukakoshi and Bodmer disclose the claimed limitations as stated in paragraph 4 above. Tsukakoshi and Bodmer do not explicitly disclose the following features: regarding claim 21, further comprising isolation of a fault in the subnetwork.

Gurer discloses method and sytem for fault diagnosis in a data network comprising the following features:

Regarding claim 21, Gurer discloses further comprising isolation of a fault in the subnetwork (see col. 2 lines 20 – 50, col. 6 lines 30 – 35, col. 7 lines 35 – 49 and col. 8 lines 1 – 10, detects the fault by identifying the type of fault and isolating the misbehaving device in the network that is the cause of the fault).

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It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Tsukakoshi and Bodmer, and have the features, as taught by Gurer, thus lessening the burdens on a network engineer and increasing efficiency in the process of diagnosing faults within a data network, as discussed by Gurer (see col. 2 lines 14 - 18).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ngoc Nguyen whose telephone number is (571) 270-5139. The examiner can normally be reached on M - F, from 7AM to 3PM (alternate first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on 5712723182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2416

/Kwang B. Yao/

Supervisory Patent Examiner, Art Unit 2416